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THE COMMONWEALTH.

BOSTON, FRIDAY, MAY 16, 1851.

MR. SENATOR SUMNER.

From time to time, some radical change is found to be necessary in the management of public affairs. New ideas have acquired ascendancy, and are opening channels for their extension; and the old methods must go into disuse. Sometimes the change is attended with violence, and then it is called Revolution. Sometimes results equally important are peaceably obtained. In either case, a new class of agents appears upon the scene. In the recurrence which is had to first principles, the men who have mastered those principles, are the men who must apply them. The hacks who have been working in the traces of party, and taking their turn for promotions, having no longer a use nor a place, are discharged and pass to insignificance; and the representative of the governing thought of the period supersedes them in the public view. He may have been hitherto a retired scholar, or a man wise by nature, and by experience of men. It is likely that he will be one heretofore unknown in partizan warfare; for if he had had a taste for that strife, or allowed himself to be trained in it, he would have had no taste, and small capacity, for any generous reform. But the time calls him out, and he understands the time. He jostles the party jobbers aside, and if his name blots theirs out of memory, that is not what most they might dread if they knew themselves and could estimate the justice of posterity.

Except in the great contrast between violent and peaceful reform, the present times have an analogy with those which tried men's souls eighty years ago. A despotism is rampant now as then. Now, as then, a spirit is awakened, which, to hopeful observers, is the dawn of deliverance. The Royal Power then was as well fortified, as brazen, and as truculent as the Slave Power is now. Then there was a usurped authority to be overthrown. Now a constitutional authority is to be made beneficent by being reposed in upright hands which will employ it for its proper uses. The task of the present day requires most of the virtues of a harsher strife, and may shift the casting of the chief parts on the scene, as much. Mr. Webster, deserting in his age the cause of Freedom and of his country, and making his last days his inglorious ones, corresponds to the Governor Hutchinson of 1770. John Adams, Joseph Warren, Josiah Quincy, and most of their associates, were young men, when, grappling to the right which Hutchinson had deserted, they supplanted that able and powerful politician in the confidence of a virtuous and patriotic people, and took the place in history which might have been his had he not betrayed the promise of better days.

A conviction of the imminent perils encompassing the Federal Constitution and the liberty it was designed to protect, has brought forward (not a moment too soon) a new order of statesmen in the Free States. Massachusetts has made her contribution to their number.—Among them she has bestowed her highest token of official confidence on one altogether new to official life. In a fair estimate of the conditions of lasting power, CHARLES SUMNER, from position combined with character, is probably at this moment the most powerful man in New England. Very few men occupy a place of such prominence in the view of the nation. If his future shall answer to the expectations of those who best know how to cast the horoscope from the elements of his past career, the historical page of the triumphs of Freedom in the nineteenth century will be illuminated with his name.

Mr. Sumner was born in Boston, Jan. 6th, 1811. It was the place where one might well desire to have had his birth and rearing. When Mr. Quincy, in 1830, addressed its inhabitants on the completion of its second century, he told the story of a city than which there was none more noble on this globe. If it has been charged with having since become a great shop, where principles are on sale as well as wares, it was not so during the minority of Mr. Sumner. He grew up to manhood surrounded by the influences of an eminently religious and intellectual society, refined and elegant in its tastes, simple in display (considering its wealth), and, to a singular degree, bestowing its highest regard on the worthiest characters and objects. The leaven of the Puritan stock of Massachusetts was still diffused through its mass.

His father, Charles Pinckney Sumner, (son of Major Job Sumner, of the Army of Independence,) was an accomplished gentleman of the old school, a lawyer by profession, and for the latter years of his life, Sheriff of Suffolk; a person of literary taste and knowledge, of remarkable independence, and of sterling integrity. In early life he was known as a Jeffersonian Democrat, but had withdrawn from party conflicts for several years before his death in 1839. His wife, who survives to witness the distinction of her son, was the daughter of the late David Jacobs, a respected farmer of Hanover, in the Old Colony. The talents and learning of another of their sons, George, have won for him a wide name and influence in the literary and political circles of Europe.

At ten years of age, having previously been for a short time at one of the public schools, and afterwards under private instruction, Charles Sumner was placed at the Boston Latin School, then under the care of that excellent teacher, Mr. Benjamin A. Gould. With his pocket money, saved in little sums, he had already bought his first Latin books, and had made some progress in the study of the language before his parents knew of his having such a taste. At the Latin School, where he remained five years, he bore off the prizes for English Composition and Latin Poetry, besides the Franklin medal at the end of the course. During this period, he was an ardent student of history, often rising before day-light to read Hume and Gibbon.

At Harvard College, which he entered in 1826, he devoted himself too much to his own plans of reading in history, the classics and general literature, to secure that distinguished rank among classmates which requires an undeviating attention to the studies prescribed. His course however, in College was one of steady diligence, and the seeds of the abundant harvest

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since ripened were there carefully sown. In 1831, having devoted the year after graduating to a continuation of the favorite studies of College life, he entered the Law School at Cambridge, then under the care of Professor Ashmun. Here he devoted himself assiduously to juridical science, not failing, however, to secure a well economized leisure for more superficial and elegant pursuits. He became the favorite pupil of Professor Ashmun and Judge Story, and enjoyed equally the confidence and friendship of Judge Alvord, and of Professor Greenleaf, successors of Mr. Ashmun. At the death of Mr. Ashmun, Mr. Sumner was alone by his side. With Judge Story he continued in terms of affectionate and confidential intimacy down to his decease in 1845.

In his studies at the Law School he from the first assumed a high standard of diligent and exact inquiry. He never relied upon the text books, but went to the original sources, read all the authorities and references, whether treatises or decided cases, and made himself acquainted more or less with every work of the common law, from the Year Books in uncouth Norman down to the latest Reports. It was said that he could go into the Law Library of many thousand volumes, and find any volume desired in the dark, if every book was in its place. While still a pupil he wrote several articles in the "American Jurist," the Boston Law Quarterly, which attracted attention by their ability and learning.

Having laid such a foundation for professional eminence, he entered the office of Benjamin Rand, in Boston, with a view to the further education which consists in facility in the forms of practice. At this time he passed part of a winter in Washington, where he formed an acquaintance with the Judges of the Supreme Court and all the leading lawyers there assembled, and particularly enjoyed the kindness of Chief Justice Marshall.

Before his admission to the bar, he became the principal editor of the "American Jurist." In this relation, which was continued three years, he was drawn into correspondence with judges and lawyers in other parts of the country, and abroad. Many of the articles published by him in the "Jurist," were reviews of new law books; some were discussions of technical points of ancient learning. In one of these, by exploring very early authorities, even to the Year Books, he detected a curious error of so great a name in the law as Lord Chief Baron Comyns, repeated also by Chitty, with respect to the action of replevin. This article is said to have been since referred to by Professors in the Law school as an authority. Judge Story in his printed works has referred to others.

He was admitted to the bar at Worcester, in 1834, and immediately commenced practice in Boston. His first appearance in court is thus noticed in a city newspaper, of Oct. 14th of that year: "This is the first essay of the latter gentleman, who is said to be more deeply read in the law than any other individual of similar age." He was soon appointed Reporter of the Circuit Court, in which capacity he published three volumes, known as "Sumner's Reports." His practice presently became larger than that of any other person in the city, so young in the profession. He was invited into three different lucrative partnerships with eminent barristers, but declined all such proposals, preferring to retain his independence, and to assume no relations to interfere with the cherished plan of a visit to Europe.

During the first three winters after his admission to the bar, while Judge Story was absent at Washington, he lectured to the law students at Cambridge, by appointment of the President and Fellows of the University, having the sole charge of the school for part of the time, during the absence of Professor Greenleaf. Again he performed the same duties during Judge Story's illness in 1843. All this while, his application to professional studies was severe. No time was grudged; no pains spared. Every department of law was ransacked, though the inquiries pursued with most curiosity and research were those relating to Constitutional Law and the Law of Nations; and on these subjects, particularly the last, he lectured with most fulness. There was nothing accessible in relation to it which he did not explore.

In 1836, he was officially consulted respecting an important professorship in the college, which he declined. The offer was afterwards renewed and pressed, coupled with a proposal to connect the office with a permanent professorship in the law school; but with the same result.

In 1835–6, Mr. Sumner edited Mr. Andrew Dunlap's Treatise on Admiralty Practice. Mr. Dunlap, who was United States Attorney for the District of Massachusetts, died, leaving the work unfinished, though partly printed. In a preface, dictated four days before his death, he acknowledged his obligations for services of his editor, already rendered "with the zeal of a sincere friend, and the accuracy of an excellent lawyer." But the extent of those obligations was afterwards materially enlarged. After its author's death, Mr. Sumner enriched the work with a copious Appendix and Indexes, amounting to more matter than the original treatise, the former containing an ample array of Practical Forms and Precedents of Pleadings, which have been adopted generally in the Admiralty Courts of the U. States, and have proved of the utmost value in remedying the looseness and inaccuracy which had before prevailed in that practice. Some of these consisted of adaptations to the practice of the American Admiralty Courts, of forms and proceedings in the English Admiralty, which had been obtained by Mr. Sumner in manuscript. Others were drawn by himself, to meet the facts of different cases to be found in the Reports.

When Mr. Dunlap resigned the office of District Attorney in 1835, he entertained the hope of being succeeded by Mr. Sumner, young as he was,—not a year old in the profession. He desired, he said, to see the office filled with the best legal talent and learning. He could not expect that his party friends would select for it a known champion from the hostile camp; but he hoped that they might take a young man, known only for successful devotion to his profession. And Mr. Dunlap had assurances that such would have been the result, had the gentleman who succeeded to the office (which had before been offered to him), persevered in declining.

An incident, illustrative of a personal intrepidity which was no surprise to his friends, occurred in the summer of 1836. A furious riot broke out in Boston, in the quarter chiefly inhabited by the foreign population. With a companion (Dr. Howe) not unused to facing death on errands of mercy in either hemisphere, Mr. Sumner went into the thickest of the danger. Their remonstrances, under the uplifted weapons of the maddened rioters, had succeeded in restoring quiet in the centre of the conflict, before the military, which had been called out, reached the scene. Several houses had first been dismantled, and Mr. Sumner had been struck to the ground by a heavy missile.

In the autumn of 1837, Mr. Sumner succeeded in breaking away from increasing engagements of business, and went to Europe, where he remained till the spring of 1840.

In Paris, he attended the debates of the Chamber of Deputies, and the Lectures of all the eminent Professors in different departments, at the Sorbonne, at the College of France, and particularly in the Law School. He became personally acquainted with several of the most eminent jurists,—with Baron Degerando, renowned for his works on Charity; with Pardessus, at the head of Commercial Law; with Fœlix, editor of the "Review of Foreign Jurisprudence;" and other famous men. He attended a whole term of the Royal Court at Paris, observing the forms of procedure; received kindness from the Judges; and was allowed to peruse the papers in the cases. His presence at some of these trials was noticed in the Reports in the Law Journals.

In England, a welcome awaited him, such as gave gratifying evidence of the power of an intelligent, upright and accomplished mind, accompanied by simplicity and friendliness of manners, to break down social barriers. He remained there nearly a year, attending the debates in Parliament, hearing all the chief speakers often, and becoming acquainted with many of them, of all sides in politics. No American, in private life, had ever enjoyed such a distinguished reception in that country. The cordial hospitality of the bar and judges, treated him as one of themselves. He attended the Courts at Westminster Hall, and more than once at the pressing invitation of the judges, sat by their side at the trials. He also observed the Courts on the Circuit, where he was often the guest of the bar and bench. At the meeting of the British Scientific Association, he experienced the same flattering attentions. In town and country he moved freely in society to which intelligence and refinement, wealth and worth, lend every charm and grace. In the circles of literature, politics and law, he was a familiar inmate rather than a guest. Nor did the evidence of such respect and confidence pass away with his presence. Two years after his return from England, the Quarterly Review, alluding to his visit, stepped aside to say,—"He presents in his own person a decisive proof that an American gentleman, without official rank or wide-spread reputation, by mere dint of courtesy, candor, an entire absence of pretension, an appreciating spirit, and a cultivated mind, may be received on a perfect footing of equality in the best circles, social, political and intellectual; which, be it observed, are hopelessly inaccessible to the itinerant note-taker, who never gets beyond the outskirts of the show-houses." Eight years later yet, he received a compliment, which from an English bench is of the rarest occurrence. On an insurance question, before the Court of Exchequer, one of the counsel having cited an American case, Baron Parke, the ablest of the English judges, asked him what book he quoted. He replied, "Sumner's Reports." Baron Rolfe said, "Is that the Mr. Sumner who was once in England?" On receiving a reply in the affirmative, Baron Parke observed, "We shall not consider it entitled to the less attention because reported by a gentlemen whom we all knew and respected." Not long ago, some of Mr. Sumner's estimates of war expenses were quoted by Mr. Cobden in debate in the House of Commons.

In Italy he gave himself to the study of art and literature, and finished the reading of all the notable works of that country in history, politics, or poetry. In Germany, where his visit was shorter, he acquired the regard of the most eminent jurists,—of Savigny, Thibaut and Mittermaier, with the latter of whom he has had constant correspondence. He was kindly received by Prince Metternich, and became acquainted with most of the Professors at Heidelberg, and with many other individuals of those most distinguished in science and letters, as Humboldt the Philosopher, Ranke the Historian, and Ritter the Geographer, at Berlin.

While in Europe, he was repeatedly consulted by writers on the Law of Nations. In Paris, at the request of Governor Cass, he wrote a defence of the American claim in controversy with England, on the North Eastern boundary, which was published in Galiganni's "Messenger," republished in many papers at home, and, in the Washington "Globe," attributed to Gov. Cass. It was highly commended by that gentleman, who expressed his intention to make it the subject of a special despatch. The idea of Mr. Wheaton's last work on the "History of the Law of Nations" occurred in conversation at Mr. Sumner's rooms. Having conceived the plan of such a treatise, he consulted Mr. Wheaton respecting it. Mr. Wheaton afterwards called upon him and said that he proposed to undertake it, unless Mr. Sumner intended to execute the plan himself. It was to be written for a prize of the French Institute.

On his return from Europe, Mr. Sumner was received in Boston with flattering assiduities. The circles of cultivated society were scarcely thought complete without him. He engaged in the practice of his profession only to a moderate extent, being now more interested in its science and in other studies. In 1844-6, he published an edition of Vesey's Reports in twenty volumes. In announcing this work, the Boston "Law Reporter" bore testimony to his "distinguished professional reputation," and "great professional resources." "Wherever the occasion offers itself," said that journal, "the editorial note has been expanded, till it assumes something of the port and stature of a brief legal dissertation, in which the topics are discussed in the assured manner of one who feels that his foot is planted upon familiar ground, and whose mind is so saturated with legal

knowledge, that it readily pours it forth at the slightest pressure, reminding us of those first 'sprightly runnings' of the wine-press, extracted by no force but the mere weight of the grapes. Mr. Sumner has also introduced a new element into his notes. We allude to his biographical notices of the eminent men, whose names occur in the reports, either in a judicial or forensic capacity, and to his occasional historical, political, and biographical illustrations of the text. In what may be called the literature of the law, the curiosities of legal learning, he has no rival among us."

On the death of Judge Story, in the autumn of 1845, he was mentioned in the newspapers as the natural successor in the vacant professorship. Judge Story had said more than once, "I shall die content, so far as my professorship is concerned, if Charles Sumner is to succeed me." Chancellor Kent declared that he was "the only person in the country competent to succeed Story." Different gentlemen of the highest name in jurisprudence, both of Massachusetts and other States, proposed to interest themselves with the corporation for his appointment. But he discouraged the movement, saying that, as he was unwilling to engage to accept the post if offered to him, he could not sanction any application or suggestion in his behalf. It never was offered to him. Report said that his opinions on questions of great public interest which had then begun to agitate the community, weighed against him.

Hitherto, though voting with the Whig party, he had taken no active part in politics. The miserable state of public affairs in the year 1845, drew him, by his sense of justice and philanthrophy, into that line of action. In the autumn of that year, the measures for the extension of the Slave Power by the annexation of Texas being in progress, meetings were held in different towns of Massachusetts as well as in other States, with a view to concentrate the public opinion opposed to the consummation of that measure, in remonstraaces to the Congress then about to meet. At a popular convention held at Faneuil Hall for that purpose, on the 4th of November, Mr. Sumner pronounced the brilliant speech preserved in the second volume of his "Orations and Speeches," lately published.—His next appearance of the kind was in September of the following year, when, at the request of those charged with the arrangements of the occasion, he addressed the Whig State Convention "on the Anti-Slavery Duties of the Whig Party." In the following month he addressed through the newspapers, a letter of rebuke to Mr. Winthrop, then member of Congress from Boston, for the vote in favor of the war with Mexico, by which that gentleman had shocked a large portion of his immediate constituents, as well as of the people of this Commonwealth.

By his perseverance in the course hitherto approved by the Whig party of the north, in opposition to that course into which it now was straying Mr. Sumner's ties to it were weakened, though he had not yet become entirely separated from its counsels. Partly because he could not yet prevail upon himself to renounce a resolution long ago formed to avoid public office altogether, (for, to use his own expression, "the strife of parties had seemed ignoble to him,") partly from considerations of delicacy, incident to the course he had takenin opposition to Mr. Winthrop, he refused, when urgently invited, to allow himself to be put forward as a rival candidate to that gentleman in the election then coming on. On the 4th of Nov., 1846, at a meeting of citizens favorable to the election of his friend who had consented to fill the uninviting place of candidate against an overwhelming majority, he delivered a "speech against the Mexican war, and all supplies for its prosecution." Determined, as he continued to be, against public office, he was now unavoidably embarked in politics. He could not be spared from the great exigencies of the time. There was no retreat except in desertion of a cause to which nature and training alike had pledged him. The course of public affairs down to the close of the last year gave rise to the succession of speeches and writings contained in the second of his volumes lately published, volumes rich in wise exposition and brilliant enforcement of the true doctrines of Christian politics, applied to the existing condition of affairs in this country. A great occasion and a great impulse seized upon him, and enforced the appeal of his friend John Quincy Adams, when in an interview during Mr. Adams's illness, that illustrious man urged upon him the obligations which demanded him for the public service, and said to him at parting, "Be not Atticus."

Mr. Sumner was not an associate to be willingly parted with, and notwithstanding his intractableness, he continued to be recognized by the Whig party,—or the party which, with new doctrines, kept possession of the old name,—till its Presidential nomination in 1848. As late as the autumn of 1847, he was a delegate from Boston, to the Whig State Convention at Springfield, which body he addressed in the "Speech for Political Action against the Slave Power and the Extension of Slavery." In the autumn of 1848, in the Presidential canvas, which issued in the election of General Taylor, he took an efficient part, repeatedly addressing popular conventions in different parts of Massachusetts and elsewhere, in behalf of Mr. Van Buren, the candidate of the new Free Soil party. When the Whig ascendancy was prostrated in Massachusetts by the result of the last year's elections, Mr. Sumner, in opposition to his constantly expressed wishes, which continued averse to official life, was designated for the place in the Federal Senate, which, under the Governor's appointment, had been for a short time held by Mr. Winthrop, after the withdrawal of Mr. Webster into the cabinet. On the 24th day of April, he received the election of the House of Representatives of the State in concurrence with the previous vote of the Senate. The contest in the House might not have been protracted, as it was, had he been willing to descend to less independent ground. But he steadfastly refused to parley with doubtful voters, or give any pledge as to his future course, beyond what was implied in his past action and writings. It chanced that Mr. Webster left Boston for Washington, on the day of the choice; and the telegraph being presently in action, he was chased through the villages to the border of Massachusetts, by the roar of the

cannon which spoke her greeting to his more satisfactory successor.

Law, politics and letters make a sphere large enough for one man's successful action, however nature may have endowed, and circumstances favored him. But Mr. Sumner's eminence in these walks has not obstructed a devotion to philanthropic objects, which will perhaps secure him a not less than equal place in the regard of future times. The movement in favor of International Peace, already forced by the labors of Worcester, Channing and others, on the notice of intelligent minds, has received a new impulse from his eloquent advocacy. Perhaps it may prove that his views on this subject are too generous for the condition of humanity, and must be qualified for actual use. Perhaps it will turn out that he has only advanced before a blear-eyed and sluggish generation, and that better ages are waiting to welcome and apply his beneficent doctrine. The great subject of Prison Discipline, the condition of the colored people in the free States, the true ideas of Fame and Glory, and the moral conditions of the World's Progress are among the matters treated of in his inspiring volumes; volumes in which many an American youth is henceforward to learn how as a scholar, a statesman, a patriotic citizen, a philanthropist, or in all those characters combined, he is to do good service to his country and his race.

To the impression made by his frequent addresses to Lyceums and other literary institutions in this and the adjoining States, (on which occasions he has been welcomed by large assemblies of persons of all parties,) Mr. Sumner owes something of the place which he holds in the hearts of our people. His visits to the village Lyceums have afforded opportunity for familiar observation of our New England life, while they have enlarged his personal acquaintance in circles not surpassed in importance by any others. He has repeatedly been called to address the Mercantile Library Association of Boston, and has received appointments for the like service from the literary societies of all the colleges of New England, with one (perhaps significant) exception.

Among other objects of attention, Mr. Sumner has not neglected Art. The statue of Orpheus, by Crawford, one of the most successful works of the American chisel, was secured to the Boston Athenæum through his exertions. Afterwards, in an article in the "Democratic Review," he commended the work and the sculptor.

His experience of life and society, from the palace to the cottage, from the prince to the laborer, in the closet of study, in the teacher's chair, and on the exchange, with judges and lawyers, politicians and literary men, men of active life and of humble pursuits, has already been singularly various. Few men have experienced or imparted so much of the delights of friendship. While his presence has been a constant joy in the circle of those bound to him by that fast tie recognized by the ancient, of sympathy in public objects—the *idem sentire de republica*,—his friendly intercourse, confined within no such limits, has extended widely among the eminent living as well as the famous dead. Few men have known so well how to temper the zeal of earnest controversy with a cordial appreciation of every kind of merit in opponents, and a total absence of party rancor. Indeed so uninterrupted, in the worst of times, have appeared his genial disposition and kindness of heart, that it might sometimes seem for the moment as if there was something to be reconciled between his severe sense of right and duty for himself, and his easy indulgence to the short-comings of others.

Such has been the course of life hitherto of the Senator elect from Massachusetts, — devoted to the great aims of man, to learning, to freedom, to Christian humanity. Of late it has not been a course over turf and roses. But he may well be patient to hear cockneys rail, while sages and philosophers venerate, and the people approve and trust. Eminent among those who of late have struck with a masterhand that chord in the New England heart which yields the strong and rich music of other days,—forward among the men who have brought the omnipotent Christian element into politics, and who, when, sooner or later, their work shall be done, are to be recorded as *Restorers of the American Constitution*—he is making a name to be echoed, in our future, "through the corridors of time."

It has been said that the position he is about to assume will be difficult. So it will be. So is every man's who has to breast a raging torrent. But what is the use of resources of mind and character, if not to dispose of difficulties? His merit and glory will be the greater, for the difficuities by which the merit will be exercised, and in which the glory will be won.